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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/040,664

01/07/2002

Richard A. Holub

ML-0376D3

3693

7590

09/23/2004

South Winton Court  
Suite 204  
3136 Winton Road South  
Rochester, NY 14623

EXAMINER

BRINICH, STEPHEN M

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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Commissioner for Patents

## Office Action Summary

**Application No.**

10/040,664

**Applicant(s)**

HOLUB, RICHARD A.

**Examiner**

Stephen M Brinich

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 55-78 and 80-99 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 78 is/are allowed.
- 6) ☒ Claim(s) 55-60, 68-77, 80-83, 86, 88-94 and 96-99 is/are rejected.
- 7) ☒ Claim(s) 61-67, 84, 85, 87 and 95 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4,5,8,9,11,18</u> . | 6) <input type="checkbox"/> Other: ____.  |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 55-60, 68-77, 80-83, 86, 88-94, & 96-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sobol in view of Micrografx Picture Publisher.

Re claims 55-59, 69-77, 80-83, 88-90, 92-94, & 97-99, Sobol discloses (Figure 1) a network for distributing input color image data to network nodes with associated image rendering devices. The network data structure includes and stores data shared by the nodes (e.g. the image data) and data associated with individual nodes (e.g. the image rendering device calibration data). Original image data is transformed to output image data at each node in accordance with transforming information at the node, such that the gamut of the former is mapped to the gamut of the latter, and rendered in accordance

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with the output image data so as to produce correctly colored output images.

Printed calibration targets 291 are scanned by scanner 224 to produce printer calibration data.

Re claim 60, the various printers on the page 2-14 menu share the Micrografx Picture Publisher file structure in which calibration data is saved. In particular, the cache memory (page 2-47) is available for images (for printing, scanning, or display) that exceed the available memory space.

Re claim 68, the Micrografx Picture Publisher Text menu action object, its associated submenu action objects, and their associated action command objects (pages 1-82 - 1-84) acts to annotate images by adding text thereto.

Re claim 86, comparison of the calibration target with the image resulting from the calibration inherently serves to verify the calibration operation.

Sobol does not describe the use of a computer and user interface used to control the gamut-mapping and color-matching arrangement.

Re claims 55-59, 69-77, 80-83, 88-90, 92-94, & 97-99, Micrografx Picture Publisher discloses a user interface implemented in software run on a computer for the control of color image generation and reproduction networked at multiple

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locations (any of the printers selected at page 2-14) implemented on a computer. Commands are selected from an initial menu containing various menu command objects drawn on the computer screen and respective pluralities of submenu command objects which are derived and drawn on the computer screen in response to selection of the corresponding menu command object (e.g. the set of submenu objects associated with the Retouch menu object at pages 1-32 - 1-44, the set of submenu objects associated with the File menu object at pages 2-3 - 2-34)). In particular, a Calibrate menu is provided for insuring consistent color reproduction on monitors, printers, and scanners is described at pages 2-67 - 2-71. In response to selecting the submenu command object Setup from the menu command object File (page 2-14), and further in response to selecting the resulting action command object Printer, a plurality of action command objects for defining color transformation of respective color output devices (i.e. color-calibrating a selected printer) are carried out in response to user selection.

Re claims 60 & 91, the various printers on the page 2-14 menu share the Micrografx Picture Publisher file structure in which calibration data is saved. In particular, the cache memory (page 2-47) is available for images (for printing, scanning, or display) that exceed the available memory space.

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Re claim 96, Sobol does not disclose the use of a specific data transfer protocol such as the TCP/IP protocol. The use of a standard protocol such as TCP/IP in an application requiring data transfer would be a selection among equivalents of a type judicially recognized as obvious to one of ordinary skill in the art (In re Ruff, 118 USPQ 343).

Sobol and Micrografx Picture Publisher are combinable because they are from the field of color matching of images on multiple devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the user interface of Micrografx Picture Publisher to provide user control of the Sobol device network.

The suggestion/motivation for doing so would have been to provide a user-friendly control interface for multiple devices.

Therefore, it would have been obvious to combine Sobol with Micrografx Picture Publisher to obtain the invention as specified in claims 55-60, 68-77, 80-83, 86, 88-94, & 96-99.

***Allowable Subject Matter***

3. Claim 78 is allowed.

4. Claims 61-67, 84-85, 87, & 95 are objected to as being dependent upon a rejected base claim, but would be allowable if

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rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Re claim 61 & 87, the art of record does not teach or suggest the recited topological display or configuration elements in association with network device color transformation.

Re claims 62-67, the art of record does not teach or suggest the recited user preference storage, display, and comparison of color gamut mapping elements.

Re claim 78, the art of record does not teach or suggest the recited inheritance-class grouping of rendering devices.

Re claims 84-85 & 95, the art of record does not teach or suggest the recited arrangement of invertible gamut operations for network device color transformation.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

Hand-carried or courier-delivered correspondence pertaining to this application should be directed to

US Patent and Trademark Office  
220 South 20<sup>th</sup> Street  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington VA 22202

  
Stephen M Brinich  
Examiner  
Art Unit 2624

smb  
September 14, 2004